



**UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/230,083	04/20/94	KRAUS	W TRW21364

FAY, SHARPE, BEALL, FAGAN,  
MINNICH & MCKEE  
1100 SUPERIOR AVE., STE 700  
CLEVELAND, OH 44114-2518

34M2/0122

JOYCE, H. EXAMINER

ART UNIT

PAPER NUMBER

3404

10

DATE MAILED:

01/22/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

# Office Action Summary

Application No.

08/230,083

Applicant(s)

Willibald Kraus

Examiner

H. Joyce

Group Art Unit

3404



☒ Responsive to communication(s) filed on Aug 15, 1995

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-14 and 16 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-14 and 16 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

**Part III     DETAILED ACTION**

*Oath/Declaration*

1.    The reissue oath or declaration filed with this application is defective because it fails to particularly specify the errors relied upon, as required under 37 C.F.R. § 1.175(a)(5).

Applicant has failed to indicate what specific error is, given that the claims submitted in this reissue are a broader recitation of the same claimed invention of the parent case which applicant appears to state that these broader claims for the same invention was restricted by the German Patent Office. Applicant, as noted in the last Office action, is still required to explain what requirement of the German Patent Office unity of invention policy required him to not include these reissue claims in the parent application.

*Claim Rejections - 35 USC § 251*

2.    Claims 1-14 and 16 are rejected as being based upon a defective reissue Declaration under 35 U.S.C. § 251. See 37 C.F.R. § 1.175.

*Drawings*

3.    This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. If transfer of

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Art Unit: 3404

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the patent drawings to the reissue application is desired, as letter requesting transfer of the drawings from the patent file should be filed. See M.P.E.P. § 1413.

*Response to Amendment*

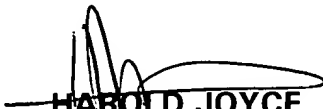
4. Applicant's arguments filed August 15, 1995 have been fully considered but they are not deemed to be persuasive. The arguments is considered to be responded to in the above action.

*Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. Joyce whose telephone number is (703) 308-0274.

  
**HAROLD JOYCE**  
**PRIMARY EXAMINER**  
**ART UNIT 3404**

HJ  
January 19, 1996